



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: RUBIN *et al.*

Application No.: 10/075,617

Group Art Unit: 1614

Filed: February 15, 2002

Examiner: To Be Assigned

For: METHODS FOR TREATING
APNEA AND APNEA DISORDERS
USING OPTICALLY PURE (+)
NORCISAPRIDE

Attorney Docket No.: 4821-468-999

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97(h) to inform the U.S. Patent and Trademark Office of all references coming to the attention of Applicant or attorneys or agents for Applicant, which are or may be material to the patentability of any claim of the subject application, the Examiner's attention is directed to the references (AA-CA) listed on the enclosed revised form PTO-1449 entitled "List of References Cited by Applicant."

The above-captioned application is a division of U.S. Application No. 09/515,390, filed February 29, 2000, now Patent No. 6,369,079. The Examiner is directed to the file of the parent case for copies of the cited references. However, if the Examiner would prefer, copies of the identified references will be provided.

Identification of the foregoing references is not to be construed as an admission by Applicant or by Attorneys for Applicant that such references are available as "prior art" against the instant application. Consequently, Applicants respectfully decline to use for PTO-1449, since this form identifies all of the references therein as "Prior Art." As an alternative, Applicants submit herewith a "List of References Cited By Applicant."

Applicants respectfully requests that the Examiner review the references and make them of record by completing and returning the enclosed List of References Cited By Applicant.

No fee is believed to be due for this submission, since it is being made before an initial Office Action on the merits of the above-identified application. Should any fee be required, however, please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Date May 22, 2002

Respectfully submitted,



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48,907

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Enclosures